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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,098	04/17/2006	Heinrich Wild	1093-154 PCT/US	1722

7590  
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6900 Jericho Turnpike  
Syosset, NY 11791

EXAMINER
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HO, ANTHONY

ART UNIT	PAPER NUMBER
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2815

MAIL DATE	DELIVERY MODE
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06/10/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,098	<b>Applicant(s)</b> WILD ET AL.	
	<b>Examiner</b> ANTHONY HO	<b>Art Unit</b> 2815	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 22-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 16-21 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :4/17/2006, 8/14/2008, 9/16/2008.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of claims 1-21 in the reply filed on February 19, 2009 is acknowledged.

Accordingly, claims 22-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on February 19, 2009.

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on April 17, 2006 was filed after the mailing date of the instant application on April 17, 2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

The information disclosure statement (IDS) submitted on August 14, 2006 was filed after the mailing date of the instant application on April 17, 2006. The submission

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is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

The information disclosure statement (IDS) submitted on September 16, 2008 was filed after the mailing date of the instant application on April 17, 2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 and 16-21 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Blanchet-Fincher (WO 02/070271).

In re claims 1 and 2, Blanchet-Fincher discloses a method for production of a film (examples 1-3, a 2-6 m thick polyester element was used): to a base film ("donor element", Figure 1, part 10) there is applied a layer of a radiation-sensitive adhesive

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("heating layer", Figure 1, layer 16); to the base film there is applied an electrical functional layer (figure 1, layer 13); the adhesive layer is irradiated in the form of a pattern (figure 2, "R", page 12, paragraph 2); to the base layer there is applied a transfer film (figure 1, part 20) which comprises an adhesive layer (figure 1, layer 24); the transfer film is removed from the base film again, the electrical functional layer remaining on the base body in a first region with patterned structuring and being removed with the transfer film in a second region.

Furthermore, Blanchet-Fincher describes the structuring of the adhesive layer (pages 8-9). By local exposure to heat, the adhesion between the adhesive layer ("heating layer") and the electroactive layer is altered (page 11). Thereafter, the structured parts of the electrical functional layer are removed with the aid of an adhesive film. In the laminated state (base film and transfer film bonded together: figure 2 in Blanchet-Fincher and figure 4c in the present application), the products of both method steps are no different.

In re claim 3, Blanchet-Fincher discloses the use of the method of printing process with structuring in pattern form (i.e. The Process of the Present Invention section).

In re claim 4, Blanchet-Fincher discloses the use of the method of intaglio printing (i.e. The Process of the Present Invention section).

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In re claim 5, Blanchet-Fincher discloses the use of the method of offset printing or flexoprinting (i.e. The Process of the Present Invention section).

In re claims 6 and 7, Blanchet-Fincher discloses the transfer film or base film is radiation-transparent and the adhesive layer is exposed from the side of the transfer film or base film (i.e. Heating Layer section; Multistep Transfer Processes section).

In re claim 8, Blanchet-Fincher discloses the use of a radiation-cross-linkable adhesive ((i.e. Heating Layer section; Figure 1, layer 13). The limitation of "which in the non-hardened condition has a lower adhesion force with respect to the electrical functional layer than the adhesion force between the electrical functional layer and the carrier film" is an inherent property of the adhesive.

In re claim 9, Blanchet-Fincher discloses the adhesive layer is irradiated ((i.e. Heating Layer section; The Process of the Present Invention section).

In re claim 10, Blanchet-Fincher discloses the use of a mask exposure device for the exposure step ((i.e. Heating Layer section; The Process of the Present Invention section). The limitation "a mask exposure device with a mask belt is used for the exposure operation" is an inherent property of the mask exposure device.

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In re claim 11, Blanchet-Fincher discloses using a transfer film with a "release" layer between the carrier film and the electrical functional layer (i.e. Heating Layer section; Multistep Transfer Processes section).

In re claim 12, Blanchet-Fincher discloses the electrical function layer is a conductive layer (i.e. Heating Layer section; Figure 1, layer 13).

In re claims 16-18, Blanchet-Fincher discloses the materials that can be used for the adhesive layer (i.e. Heating Layer section; Figure 1, layer 13; The Donor Element and The Receiver Element section).

In re claims 19-21, Blanchet-Fincher discloses the materials that can be used for the electrical functional layer (i.e. Heating Layer section; Figure 1, layer 13; The Donor Element and The Receiver Element section).

***Allowable Subject Matter***

Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY HO whose telephone number is (571)270-1432. The examiner can normally be reached on M-Th: 10:30AM-9:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Parker can be reached on 571-272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. H./  
Examiner, Art Unit 2815  
/Kenneth A Parker/  
Supervisory Patent Examiner, Art Unit 2815